

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

2022 JUL -8 PM 2:09

CLERK
BY EH
DEPUTY CLERK

FRIENDS OF PINE STREET, d/b/a PINE
STREET COALITION

Plaintiff,

v.

MAYELA SOSA, in her capacity as Acting
Executive Director of the Federal Highway
Administration; JOE FLYNN, in his
capacity as Secretary of the State of
Vermont Agency of Transportation; and
MIRO WEINBERGER, in his capacity as
Mayor of Burlington,

Defendants.

Case No. 5:19-cv-95

ORDER

On July 8, 2022, the court held a status conference and enters the following scheduling order.

1. Any reply brief concerning the motion to intervene shall be filed not later than July 18, 2022. The court does not anticipate scheduling a further hearing on the motion to intervene and will issue a ruling as quickly as possible so as not to delay the participation of the intervenor.

2. The administrative record ("AR") shall be filed by Defendants not later than September 15, 2022.


3. Briefing on the merits shall conclude with the filing of any reply briefs not later than February 15, 2023. Within seven days, the parties shall submit a proposed scheduling order setting out deadlines for any motions to amend or expand the AR as well as the filing of motions

for summary judgment addressing the merits. The court has no objection to a sequenced schedule for summary judgment motions so long as all briefing is concluded by February 15, 2023.

4. The court grants Plaintiff's request to stay consideration of the pending motion for a preliminary injunction (Doc. 32). As discussed with the parties, the court anticipates addressing the issues in the motion in the merits ruling. Plaintiff remains free to file a motion to seek an earlier hearing if necessary and Defendants will have an opportunity to respond. There will be no preliminary injunction hearing scheduled at this time.

5. The court orders that there will be no construction on the project in the 2023 season for 60 days following completion of briefing. The court understands that this delay is acceptable to both sides. If Defendants seek an earlier start, they must file a motion for relief from this order so that both sides can be heard on the issue. The court anticipates issuing a ruling on the merits not later than April 15, 2023.

Dated at Burlington, in the District of Vermont, this 8th day of July, 2022.



Geoffrey W. Crawford, Chief Judge
United States District Court